

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sebastian Saavedra	Team: Squad #1	CCRB Case #: 201902688	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/22/2019 3:30 PM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 52	18 Mo. SOL 9/22/2020	EO SOL 5/9/2021	
Date/Time CV Reported Sat, 03/23/2019 6:16 PM	CV Reported At: IAB	How CV Reported: Mail	Date/Time Received at CCRB Thu, 03/28/2019 11:08 AM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. POF Karolina Scott	00483	961552	052 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POF Tara Zambrano	25546	962887	052 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POF Karolina Scott	Abuse: Police Officer Karolina Scott threatened to arrest § 87(2)(b) [REDACTED]			[REDACTED]	
B.POF Karolina Scott	Abuse: Police Officer Karolina Scott threatened to arrest § 87(2)(b) [REDACTED]			[REDACTED]	

Case Summary

On March 23, 2019, § 87(2)(b) filed this complaint with IAB. On March 28, 2019 it was received at the CCRB.

On March 22, 2019, at approximately 3:30pm, § 87(2)(b) went to the child psychiatry clinic at § 87(2)(b) in the Bronx, where her § 87(2)(b), § 87(2)(b) was attending a psychiatric therapy session. Hospital staff told § 87(2)(b) that § 87(2)(b) had said he was going to kill himself and needed to go to the hospital. Police Officer Tara Zambrano, and Police Officer Karolina Scott, both of the 52nd Precinct, responded. PO Scott told § 87(2)(b) while at the clinic, that she was going to arrest her (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Scott also threatened to arrest § 87(2)(b) once they arrived at the hospital (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was not arrested.

Body-worn camera (BWC) footage was obtained for this incident, and is included in the case file (Board Reviews 01 and 02).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Karolina Scott threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Karolina Scott threatened to arrest § 87(2)(b)

§ 87(2)(b) testified that, on March 22, 2019, she took § 87(2)(b) to an ongoing psychiatric therapy session due to issues he was having at school. § 87(2)(b) went to look for a parking spot while § 87(2)(b) went into the clinic and began his session. § 87(2)(b) entered the clinic, and three members of the clinic staff told her that § 87(2)(b) had said during his session that he was going to kill himself, and would need to go to the emergency room. PO Scott and PO Zambrano arrived at the clinic, and PO Scott reached towards § 87(2)(b). § 87(2)(b) told PO Scott and PO Zambrano that they did not have her consent to take § 87(2)(b) to the hospital. PO Scott told § 87(2)(b) that nobody was asking for her consent, and screamed at § 87(2)(b) several times that she was going to arrest her. PO Scott and PO Zambrano then placed § 87(2)(b) and § 87(2)(b) in a police vehicle and escorted them to the § 87(2)(b) emergency room across the street. While there, PO Scott once again told § 87(2)(b) that she was going to arrest her (Board Review 03).

PO Zambrano testified that she and PO Scott responded to a call by EMS requesting officers to their location due to an emotionally disturbed person (EDP). PO Zambrano and PO Scott arrived on-scene, and observed § 87(2)(b) as well as EMTs, a psychologist, and the supervisor of the clinic. The EMTs told PO Zambrano and PO Scott that § 87(2)(b) had said he was going to harm himself during his therapy session, and § 87(2)(b) was refusing to let them take him to the hospital. At one point, § 87(2)(b) grabbed PO Scott's shirt in order to see her shield number, and blocked the exit with her body so that PO Scott and PO Zambrano could not leave. PO Scott told § 87(2)(b) that if she did not get out of the way, she would be arrested for obstruction of governmental administration (OGA) (Board Review 04).

PO Scott § 87(2)(g) testified that, inside the clinic, § 87(2)(b) told PO Scott and PO Zambrano, "he's not going anywhere, you guys are not taking him, you guys are not arresting him." PO Scott told § 87(2)(b) that if she prevented them from removing § 87(2)(b) to the hospital or otherwise performing their

duties, she could be arrested for OGA (Board Review 05).

Both PO Zambrano and PO Scott testified that they did not have further interaction with § 87(2)(b) after they escorted her and § 87(2)(b) to the hospital.

PO Zambrano's BWC footage shows § 87(2)(b) arguing with PO Scott and PO Zambrano, repeatedly stating that they cannot take § 87(2)(b) to the hospital, asking that they speak to her lawyer on the phone, and denying that § 87(2)(b) had expressed suicidality. At 5:36, § 87(2)(b) is making a phone call and asking the officers to wait until she can speak to her lawyer, all while standing in the doorway leading out of the clinician's office. PO Scott is heard saying that if the mother was going to be in the way, she would get called for OGA (Board Review 02).

Both PO Scott's and PO Zambrano's footage conclude prior to transporting § 87(2)(b) and § 87(2)(b) to the hospital (consistent with Patrol Guide Procedure 212-123 that prohibits BWC recording within a medical facility) (Board Review 7).

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function. NY Penal Law § 195.05 (Board Review 06).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to three prior CCRB complaints and has been a victim in six allegations:
 - § 87(2)(b)
- PO Scott has been a member-of-service for three years, and has been a subject in four prior CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Investigator: _____

Signature _____ Inv. Saavedra _____ Date _____

Print Title & Name

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____